

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/286,739 04/06/99 MOLDOONE

H M61.12-0124

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WM01/1221

EXAMINER

ZAMANI, A

ART UNIT

PAPER NUMBER

2674

DATE MAILED:

12/21/00

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. <b>09/286,739</b>	Applicant(s) <b>Mcloone et al.</b>
Examiner <b>All Zamani</b>	Group Art Unit <b>2674</b>

Responsive to communication(s) filed on \_\_\_\_\_

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 1035 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claim

Claim(s) 1, 3, 5-12, 14, 16-18, 23, and 25-31 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1, 3, 5-12, 14, 16-18, 23, and 25-31 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on Apr 6, 1999 is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 5-7

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 5-12, 14, 16-18, 23 and 25-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zenz, Sr. (US Pat. No. 5,841,425) in view of Siddiqui et al. (US Pat. No. 6,097,371).

3. In regard to claims 1, 3, 5-12, 14, 16-18, 23 and 25-31, Siddiqui et al. disclose a mouse input device for a computer system, the mouse capable of being moved across a working surface to move a displayed object on a computer display, the mouse comprising: an upper casing (142), a bottom surface (59) designated to face the working surface (103), a thumb pinching area (138) on a side of the mouse and at least two side buttons (36 and 40) located above the thumb pinching area (64) in a direction away from the bottom surface and buttons are shaped to substantially conform to a space between a user's thumb and a user's index finger, the two side buttons together form a shaped buttons assembly that substantially conforms to the shape of a gap between the user's thumb and index finger (see Figs. 3C, 3D, 4A, 4B, 4D and 4E). Zenz, Sr. teaches that a typical mouse configured for a right-handed person has two selection actuators, a left

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selection actuator and a right selection actuator, and sends a primary function, signal to the computer when the left selection actuator is activated and, when the right selection actuator is activated, the mouse sends a secondary function signal to computer (Fig. 1, col. 4, lines 2-33). Zenz, Sr. substantially show the above claimed limitations except for a "weel". However, siddiqui et al. disclose an ergonomic mouse, includes a weel (106) to provide an input signal in addition to X and Y position signals, the wheel (18) extends from an upper surface of the pointing device and may be rotated and depressed by the finger of the user (see the abstract). Thus it would have been obvious to one of ordinary skill in the art to utilize the wheel (18) of Siddiqui et al. in the mouse system of Zenz, Sr. to provide a mouse which has sufficient width to support the distal phalanges of a user's ring finger and little finger while the user's middle finger is positioned over a secondary buttons of the mouse, in addition, the mouse provides a wheel with a large number of ribs that increase friction between the user's finger and the wheel.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosenberg et al. and Lo are made of record to show various types of mouse with wheel.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ali Zamani whose telephone number is (703) 308-6414. The examiner can normally be reached on Monday through Friday from 8:00 a.m. to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe, can be reached on (703) 305-4709. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-9051.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) **305-3900**.

Ali Zamani

December 15, 2000



RICHARD HJERPE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600